THE CITY OF NEW YORK

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MEMO ENDORSED   May 15, 2008

By Facsimile
Honorable Colleen McMahon
United States District Judge
Southern District of New York
500 Pearl Street, Room 640
New York, NY 10007
Facsimile: (212) 805-6326

Re: Tung v. City of New York, et. al., Docket No. 08 CV 935 (CM)

Dear Judge McMahon:

This office represents the defendants in the above-referenced matter. I write to request an enlargement of time from May 21, 2008 until June 11, 2008 for defendants' to file their motion to dismiss pursuant to Fed. R. Civ. Pro. 12(c) or, in the alternative, for summary judgment pursuant to Fed. R. Civ. Pro. 56.
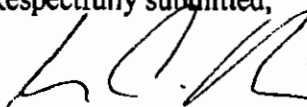
Pursuant to Your Honor's individual rules of practice, defendants noticed their intent to move in this regard at the time they filed their answer to plaintiff's complaint on April 21, 2008. Furthermore, Your Honor's rules require that the plaintiff's deposition and all briefs and papers addressing qualified immunity shall be served and filed within 30 days of the filing of the notice. Notwithstanding, due to varying scheduling conflicts, the parties were only able to schedule plaintiff's deposition for May 20, 2008. As such, defendants respectfully request an enlargement of time until June 11, 2008 to file their motion. This application is made with plaintiff's consent. If Your Honor is inclined to grant this request, the parties also respectfully request that plaintiff be granted until June 25, 2008 to file any opposition to defendants' motion and that defendants have until July 2, 2008 to reply.

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We appreciate your Honor's consideration of this application.

Respectfully submitted,

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